

House Amendment to
Senate File 430

S-5215

1 Amend Senate File 430, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. By striking page 1, line 1, through page 2, line
4 22, and inserting:

5 <Section 1. Section 21.6, subsection 3, paragraph
6 a, subparagraph (3), Code Supplement 2011, is amended
7 to read as follows:

8 (3) Reasonably relied upon a decision of a court,
9 a formal opinion of the Iowa public information
10 board, the attorney general, or the attorney for the
11 governmental body, given in writing, or as memorialized
12 in the minutes of the meeting at which a formal oral
13 opinion was given, or an advisory opinion of the Iowa
14 public information board, the attorney general, or the
15 attorney for the governmental body, given in writing.

16 Sec. _____. Section 22.7, Code Supplement 2011, is
17 amended by adding the following new subsection:

18 NEW SUBSECTION. 65. Tentative, preliminary,
19 draft, speculative, or research material, prior
20 to its completion for the purpose for which it is
21 intended and in a form prior to the form in which it is
22 submitted for use or used in the actual formulation,
23 recommendation, adoption, or execution of any official
24 policy or action by a public official authorized to
25 make such decisions for the governmental body or the
26 government body. This subsection shall not apply to
27 public records that are actually submitted for use or
28 are used in the formulation, recommendation, adoption,
29 or execution of any official policy or action of a
30 governmental body or a government body by a public
31 official authorized to adopt or execute official policy
32 for the governmental body or the government body.

33 Sec. _____. Section 22.10, subsection 3, paragraph
34 b, subparagraph (3), Code Supplement 2011, is amended
35 to read as follows:

36 (3) Reasonably relied upon a decision of a court,
37 a formal opinion of the Iowa public information
38 board, the attorney general, or the attorney for the
39 government body, given in writing, or as memorialized
40 in the minutes of the meeting at which a formal oral
41 opinion was given, or an advisory opinion of the Iowa
42 public information board, the attorney general, or the
43 attorney for the government body, given in writing.>

44 2. Page 3, by striking lines 19 through 31 and
45 inserting:

46 <1. An Iowa public information board is created
47 consisting of nine members appointed by the governor,
48 subject to confirmation by the senate. No more than
49 three members appointed shall be representatives from
50 the media including newspapers and no more than three

1 members appointed shall be representatives of cities,
2 counties, and other political subdivisions of the
3 state.>
4 3. Page 3, by striking lines 32 through 35 and
5 inserting:
6 <2. Appointments to the board shall be subject to
7 sections 69.16 and 69.16A.>
8 4. Page 4, line 4, by striking <four> and inserting
9 <five>
10 5. Page 4, after line 12 by inserting:
11 <8. The board shall be an independent agency.>
12 6. Page 4, line 32, by striking <dismiss the action
13 without prejudice> and inserting <stay the action
14 pending resolution of the complaint with the board>
15 7. Page 5, line 1, by striking <dismissed> and
16 inserting <stayed>
17 8. Page 5, by striking lines 12 through 18 and
18 inserting:
19 <1. Employ one employee as executive director who
20 is an attorney admitted to practice law in the courts
21 of this state to execute its authority and prosecute
22 respondents in proceedings before the board and to
23 represent the board in proceedings before a court.>
24 9. By striking page 7, line 32, through page 8,
25 line 1.
26 10. Page 9, line 25, after <respondent.> by
27 inserting <Notwithstanding section 17A.10A, if there
28 are no material facts in dispute, the board may order
29 that the contested case procedures relating to the
30 presentation of evidence shall not apply.>
31 11. Page 9, line 25, after <by the> by inserting
32 <executive>
33 12. Page 10, after line 11 by inserting:
34 <(3) Require the respondent to take any remedial
35 action deemed appropriate by the board.>
36 13. By striking page 10, line 33, through page 11,
37 line 6.
38 14. Page 11, line 11, by striking <2011> and
39 inserting <2012>
40 15. Page 11, by striking lines 13 and 14 and
41 inserting <contrary, the executive director of the
42 board shall not be hired prior to July 1, 2013.>
43 16. Page 11, line 15, by striking <2012> and
44 inserting <2013>
45 17. Page 11, line 19, after <operations,> by
46 inserting <procedures for the handling of confidential
47 information by the executive director and members of
48 the board, conflict of interest policies for board
49 members,>
50 18. Page 11, line 23, by striking <2012> and

1 inserting <2013>
2 19. Title page, line 3, by striking <fee and>
3 20. By renumbering as necessary.